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| 09/465,982      | 12/16/1999  | MARKO BALABANOVIC    | 074451.P108         | 9644             |

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EXAMINER

TRAN, MYLINH T

| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 03/01/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/465,982

Applicant(s)

BALABANOVIC ET AL.

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12,14-24 and 26-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-24 and 26-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

Applicant's Amendment filed 01/29/04 has been entered and carefully considered. Claims 1, 11, 21, 38 and 62 have been amended. However, limitations of amended claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1, 2, 4- 12, 14-24 and 26-66 are rejected under the new ground of rejection as set forth below.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-12, 14-24 and 26-66 are rejected under 35 U.S.C.

103(a) as being unpatentable over Morris et al. [US. 6,097,3891 in view of Qureshi et al. [6,084,582].

As to claims 1, 11, 48, 58 and 62, Morris et al. discloses means for displaying a first list of reduced visual representations of a plurality of media objects ordered automatically and grouped by media objects relating to one another (see abstract and figure 12B, (305)). Morris et al.

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cites " ...a page of the media container is displayed on a display device in a first region. The page is capable of displaying at least one visual representation of a digital media on the page ..-" read as the first list of reduced visual representations of the media objects; means for displaying a second list of reduced visual representations of the plurality of media objects ordered manually (see abstract, Figure 12B, (309)).

Morris et al. also cites " ...The first visual representation is displayed in a second region while displaying the gage in the first region..." read as the second list; and the mean for displaying the Plurality of media objects (Figure 12E, (11251)); means for navigating among the reduced visual representations (column 5, lines 55-65) and the plurality of media objects ordered automatically in chronological order (column 6, lines 2-10). The difference between Morris et al. and the claim is and means for recording an audio narration, to be associated with at least one of the reduced visual representations; and means for displaying the recorded audio narration with a visual representation corresponding to a length of the audio narration. Qureshi et al. shows the features at column 2, lines 42-60. It would have been obvious to one of ordinary skill in the art, having the teachings of Morris et al., before them at the time the invention was made to modify the reduced visual representations and the navigation among the reduced visual representations taught by Morris et al. to include the an audio narration, and means for displaying the recorded audio narration with a visual representation corresponding to a length

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of the audio narration of Qureshi et al. with the motivation being to provide more information for the user like a length of time of narration, time, date and name of recording user as taught by Qureshi et al.

As to claims 2 and 12, Morris et al. also discloses the first list comprises of imported stories, and the second list comprises of authored stories (column 6, lines 1-49).

As to claims 4 and 14, Morris et al. also shows the display means displays imported stories, the authored stories, and/or a representation for each associated audio clip for a selected object in the imported stories or the authored stories (column 6, lines 50-65).

As to claims 5 and 15, Morris et al. teaches the imported stories are displayed on a first track, and the authored stories are displayed on a second track and on a third track, the authored story on the third track being a story being created (column 5, line 53 -through column 6, line 20).

As to claims 6 and 16, Morris et al. also teaches means for moving the authored story from the second track to the third track such that a user can edit the authored story (column 13, lines 7-36).

As to claims 7 and 17, Morris et al. shows means for displaying a first list of reduced visual representations of a plurality of media objects comprises means for displaying a series of audio files (column 8, lines 5-28).

As to claims 8 and 18, Morris et al. also shows the audio files are from a

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group comprising MP3 files, Liquid Audio files, and RealJukebox files, WAV files, or other compressed or uncompressed audio file formats (column 4, line 52 through column 5, line 12).

As to claims 9 and 19, Morris demonstrates Means for displaying a first list of reduced visual representations of a plurality of media objects comprises means for displaying a plurality of video clips (figure 12E, column 12, lines 18-55).

As to claims 10 and 20, Morris et al. also demonstrates the video clips Are from a group comprising MPEG files, QuickTime files, AVI files, and RealVideo files (Video files, column 8, lines 20-30).

As to claim 21, the claim is analyzed as previously discuss with respect to claims 1 and 6 except for process operational input from the user, the operation input comprising playing the story, stopping recording or the playing, and saving the story. Morris et al. shows the user input and playing the story (column 6, lines 10-18).

As to claim 22, Qureshi et al. shows recording a narration for the selected object (column 2, lines 15-30).

As to claim 23, Morris et al. discloses a third story track for a story being constructed, and wherein the navigation input further comprising adding an object to the third track, and removing an object from the third track (column 6, lines 38-45).

As to claim 24, Qureshi et al. also discloses the processor is further operable to display a plurality of narrations associated with the selected

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object (column 2, lines 15-60).

As to claims 26, 51 and 57, Morris et al. also teaches an object input device to input new objects, the new objects comprising imported stories, digital photographs, video clips, pages of documents, presentation slides, audio clips, and. web pages (column 6, lines 1-45).

As to claims 27, 28 and 52, Morris et al. demonstrates a docking cradle for communication and an output device to send a story to a recipient's email address in the form of email attachment and sending the story to a web server, assigning unique URL to the story,, and sending the URL to the recipient by email (column:3, lines 50-60).

As to claim 29, Qureshi et al. also demonstrates a recording device to record a narration for the audio clip, the recording device being one of a group comprising voice activated recording and microphone recording (column 4, lines 28-45).

As to claims 30 and 42, the claim is analyzed as previously discussed with respect to claims 1, 3 and 4.

As to claims 31 and 40, Morris et al. teaches displaying an audio clip comprises displaying all audio clips associated with the selected object, and wherein the audio clip associated with the story is displayed as a . current audio clip, the current audio clip is played before all other audio clips. (figure 12E, column 12, lines 18-55).

As to claims 32 and 63, Morris et al. also teaches the story under construction in the third story track is placed at the end of the second

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story track when the construction is completed and wherein the story is saved in the storage device (column 6, lines 10-45).

As to claims 33 and 64, Qureshi et al. demonstrates grouping objects in the third story track and recording a narration for each object, and wherein saving the story comprises saving the objects and the associated audio clips (column 4, lines 28-45).

As to claims 34, 35, 46, 47 and 65, Morris et al. also demonstrates the story and the associated objects are saved as -files in the storage device using a markup language format and the markup language format comprises HTML, SMIL, or XML (column 3, lines 40-60).

As to claims 36 and 44 the claim is analyzed as previously discussed with respect claims 1 and 21.

As to claims 37 and 45, the claim is analyzed as previously discussed with respect claims 1 and 31.

As to claims 38 and 59, the claim is analyzed as previously discussed with respect claims 1, 3 and 21.

As to claim 39, the claim is analyzed as previously discussed with respect claims 1, 4 and 36.

As to claim 41, Morris et al. also teaches playing the audio clip further comprises selecting an alternative audio clip other than the current audio clip (figure 12E, column 12, lines 18-55).

As to claims 43 and 54, Morris et al. shows each story in the import track or in the author track has a different colored background from its



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adjacent stories (column 10, lines 11 -53).

As to claims 49, 50, 60 and 61, Morris et al. also shows selecting an object comprises displaying the thumbnail images in high resolution if the selection is done in standard speed and displaying the thumbnail images in low resolution if the selection is done in high speed and not displaying the image and the associated audio clips when the selection is done in high speed (column 8, lines 55-67).

As to claim 53, Morris et al. demonstrates each imported story is an automatically constructed group, each imported story is visually distinguishable from another, and each author story is visually distinguishable from another (column 5, lines 29-60 and column 6, lines 1-45).

As to claim 55, Morris et al. also demonstrates a gap represents a time difference between story creation times (see abstract).

As to claim 66, the claim is analyzed as previously discussed with respect to claims 1, 4, 31 and 36.

As to claim 56, Morris et al. shows the pointing device configured to enable the user to perform track selection, object selection, and moving of the selected object from one track to another track, the pointing device being one from a group comprising a mouse (column 12, lines 29-55).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 11, 21, 38 and 62 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306 for all kind of communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE." on the document.

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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